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| 10/735,307      | 12/12/2003  | Steven Johnson       | 840468605001        | 4351             |

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| EXAMINER |
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NEGRON, WANDA M

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| ART UNIT | PAPER NUMBER |
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2622

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 03/07/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/735,307

Applicant(s)

JOHNSON, STEVEN

Examiner

Wanda M. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claims 1, 3, 8, 10, 17, 18 and 19 are objected to because of the following informalities:

- **Claim 1**, line 9 recites " a demodulator for demodulator for demodulating". For clarity, it should read "a demodulator for demodulating".
- **Claim 3**, line 1 recites "claim1"; it should read "claim 1". Also, line 5 recites "operably coupled said data bus"; for clarity, it should read "operably coupled to said data bus".
- **Claims 8 and 10** recite "operates between on a carrier frequency between". For clarity, both claims should read "operates on a carrier frequency between".
- **Claim 17**, line 2 recites "a turner"; it should recite "a tuner".
- Regarding **claim 18**, Applicant is advised that should claim 16 be found allowable, claim 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).
- **Claim 19** recites in line 20 "connecting a second demodulator the head-end node" and similarly in line 22 it recites "connecting a second modulator the head-end node". For clarity, lines 20 and 22 should read "connecting a second

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demodulator to the head-end node" and "connecting a second modulator to the head-end node", respectively.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-13 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Zustak et al. (US Pre-Grant Application Publication 2002/0104098 A1).**

4. Regarding **claim 1**, Zustak et al. disclose a device (100) for implementing video surveillance (see paragraph [0042], lines 1-10) on an existing physical network, i.e. a conventional coaxial cable television network (see paragraph [0017], lines 1-13), wherein the existing physical network supports data transmitted over a first carrier signal, i.e. upstream data via cable modem (see paragraph [0030]), a second carrier signal, i.e. out-of-band downstream data (see paragraph [0024], lines 5-7), and a plurality of other carrier signals, i.e. in-band downstream conventional RF broadcast television channels (see paragraph [0024], lines 10-11), the device comprising a **data port**, i.e. the interface point connecting the transmission medium 20 to the set-top box 22 (see figure 2), for connecting to the existing physical network; a **modulator**, i.e. a

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DOCSIS cable modem (see paragraph [0030]), for modulating first digital signals, i.e. electrical signals from a digital camera (332), onto the first carrier signal, wherein at least some of said first digital signals represent sensory electrical signals, i.e. electrical signals from the sensor in the digital camera (332) representing a visual; a **demodulator** (106) for demodulating second digital signals off the second carrier signal; a **sensor assembly**, i.e. a digital camera (332), for receiving sensory inputs, i.e. light reflected from a target, and for converting said sensory inputs to said sensory electrical signals; and a **data bus** (130) for bi-directionally carrying a plurality of data items, said data bus coupled between said sensor assembly and said data port (see figure 2). It would be inherent to have the modulator and demodulator electrically coupled to the data port in order to establish a suitable communication link.

5. Regarding **claim 2**, Zustak et al. disclose an **output port**, i.e. the interface point connecting set-top box 22 to TV 24 (see figure 1), for outputting at least said plurality of other carrier signals, i.e. TV video and audio.

6. Regarding **claim 3**, Zustak et al. disclose a **memory** (176), said memory storing a plurality of instructions and stored data (see paragraph [0019], lines 1-12), and **logic circuitry**, i.e. a CPU (132), said logic circuitry operably coupled to said memory for responding to and processing at least some of said plurality of instructions, said logic circuitry further operably coupled said data bus for receiving and processing at least some of plurality of data items (see figure 2, and paragraphs [0019] and [0026]).

7. Regarding **claim 4**, Zustak et al. disclose **an output port**, i.e. the interface point connecting set-top box 22 to TV 24 (see figure 1), for outputting at least said plurality of other carrier signals, i.e. TV video and audio.
8. Regarding **claim 5**, Zustak et al. disclose **a second modulator (144)**. It would have been inherent to use **a switch** electrically coupled between said data port, said output port, and said second modulator in order to provide the transmission path required by the user, i.e. watching TV, accessing the Internet, sending information to the service provider, viewing e-mails, etc.
9. Regarding **claim 6**, Zustak et al. disclose **a user interface** for converting user interacts to electrical signals, i.e. a remote control (36), a keyboard, a mouse or joystick (see paragraph [0031]), said user interface operably coupled to said logic circuitry (see figure 2 and paragraph [0033]).
10. Regarding **claim 7**, Zustak et al. disclose that said logic circuitry is **a central processing unit**, i.e. a CPU (132).
11. Regarding **claims 8 and 9**, Zustak et al. disclose that said first carrier signal, i.e. upstream data via DOCSIS cable modem (see paragraph [0030]), is an **upstream data over cable service interface specification (DOCSIS) carrier**, which conventionally operates on a carrier frequency between 0 MHz and 50 MHz.
12. Regarding **claims 10 and 11**, Zustak et al. disclose that said second carrier signal, i.e. out-of-band downstream data (see paragraph [0024], lines 5-7), is a **downstream data over cable service interface specification (DOCSIS) carrier**,

which conventionally **operates on a carrier frequency between 500 MHz and 1000 MHz.**

13. Regarding **claim 12**, Zustak et al. disclose that at least some of said plurality of other carrier signals, i.e. in-band downstream conventional RF broadcast television channels (see paragraph [0024], lines 10-11), which conventionally **operate on carrier frequencies between 50 MHz and 750 MHz.**

14. Regarding **claim 13**, Zustak et al. disclose that the plurality of data items carried on the data bus are **compliant with one of a universal serial bus class specification**, i.e. communication with compatible devices is provided through a USB port (154), and a universal serial bus draft class specification.

15. Method **claim 19** is drawn to the method of connecting the apparatus claimed in claim 1 to a standard interactive cable TV system. The surveillance device described in lines 7-19 has limitations similar to those treated in the rejection of the apparatus claimed in claim 1, and are met by the reference as discussed above. In addition, Zustak et al. disclose connecting said apparatus to an existing physical network, i.e. a conventional coaxial cable television network (see figure 1, 3, and paragraph [0017], lines 1-13). It is inherent that an interactive conventional coaxial cable television network, as described by Zustak et al., would have a head-end node (10) and a plurality of distribution nodes, wherein the existing physical network supports data transmitted over a first carrier signal, i.e. upstream data via DOCSIS cable modem (see paragraph [0030]), a second carrier signal, i.e. out-of-band downstream data (see paragraph

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[0024], lines 5-7), and a plurality of other carrier signals, i.e. in-band downstream conventional RF broadcast television channels (see paragraph [0024], lines 10-11). Zustak et al. also disclose connecting a surveillance device, i.e. the system comprising camera 332, set-top box 312 and TV 322, to each of at least some of the plurality of distribution nodes, i.e. the distribution nodes that would be inherently located between the head-end 10 and the user premises 302, 304, 306, 308. It would be inherent to connect a second demodulator at the head-end node in order to demodulate the upstream data, and to connect a second modulator at the head-end node modulator for modulating out-of-band downstream data.

16. Regarding **claim 20**, it would be inherent to connect a network server to the second modulator and the second demodulator at the head-end node to provide for addressability by the head end (see last sentence of paragraph [0016]).

### ***Claim Rejections - 35 USC § 103***

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zustak et al. (US Pre-Grant Application Publication 2002/0104098 A1).**

19. Regarding **claims 14-16 and 18**, as mentioned above in the discussion of claims 1 and 3-5 above, Zustak et al. disclose all the limitations of the respective parent claims.



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Zustak et al. teach that a digital camera (332) is used for surveillance of a remote site, i.e. a vacation home (see paragraph [0042], lines 4-10), periodically uploading the images to a service provider. However, Zustak et al. fail to explicitly teach a **second sensor assembly** for receiving second sensors inputs and for converting said second sensory inputs to second sensory electrical signals, wherein said logic circuitry responds to and processes said second sensory electrical signals for controlling said sensory electrical signals.

Official notice is taken that both the concept and advantage of utilizing a motion detector in a video surveillance network are well known in the art. Conventionally, a surveillance camera, i.e. a sensor assembly, monitors a site, and a control unit, i.e. logic circuitry in CPU (132), controls recording/uploading of relevant images, or the resolution of said relevant images when a motion detector, i.e. a second sensor assembly, detects movement, which would indicate a possible intruder entered the monitored area.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a motion detector device together with the surveillance camera system taught by Zustak et al. because activation of the detector would indicate to the CPU that a higher resolution image is required from the surveillance camera in order to better recognize a possible intruder.

20. Regarding **claim 17**, Zustak et al. disclose a **tuner** for tuning one carrier signal of said first carrier signal, said second carrier signal and said plurality of other carrier signals, i.e. an in-band and out-of-band tuner (104) including a tuner for conventional RF broadcast television channels (see paragraph [0024]), said tuner **coupled to said**

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**output port**, i.e. raw data outputted by the tuner is transmitted by way of the system bus or directly through the graphics processor (see paragraph [0032]) to the interface point connecting set-top box 22 to TV 24 (see figure 1); and a **display**, i.e. a TV (24), for displaying a representation of information on said one carrier signal of the at least said plurality of other carrier signals, i.e. displaying a tuned TV channel, said display coupled to said tuner.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Maruo et al. (US 6,757,909 B1) disclose an intelligent transceiver using a bi-directional digital broadcast system.
- Naidoo et al. (US Pre-grant Application Publication 2002/0147982 A1) disclose a video security system for transmitting alarm signals and video using the DOCSIS cable modem standard.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wanda M. Negrón  
February 27, 2007



DAVID OMETZ  
SUPERVISORY PATENT EXAMINER